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Egan Schulz

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EXAMINER

GODBOLD, DOUGLAS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,121	Applicant(s) SCHULZ, EGAN	
	Examiner DOUGLAS C. GODBOLD	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 39-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 39-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to correspondence filed February 23, 2009 in reference to application 10/816,121. Claims 1-11 and 39-49 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 February 2009 has been entered.

Response to Amendment

3. The amendment filed 23 February 2009 has been accepted and considered in this office action. Claims 1, 5, 8-11, 39, and 46-49 are pending and have been examined.

Response to Arguments

4. Applicant's arguments filed 23 February 2008 have been fully considered but they are not persuasive.

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5. With regards to applicant's arguments, see Remarks page 10, that Pro tools does not specifically teach the limitations of "obtaining second input, wherein the second input involves dragging said area to a region within the graphical user interface; in response to obtaining said second input, performing an operation involving just the portion of the audio file that corresponds to the area, wherein the operation is performed without obtaining input to a tool selection component between obtaining said first input and obtaining said second input;" the examiner respectfully disagrees. Page 237 of Protocols shows a tool called a "smart tool" that lets you select track regions, move selections around using the grabber, and fade in and out, without selecting tools from the tool bar. Given this capability of Protocols, Protocols teaches or at least makes obvious the limitations of "obtaining second input, wherein the second input involves dragging said area to a region within the graphical user interface; in response to obtaining said second input, performing an operation involving just the portion of the audio file that corresponds to the area, wherein the operation is performed without obtaining input to a tool selection component between obtaining said first input and obtaining said second input" as laid out in the rejection below.

6. With Regards to applicants arguments, see Remarks pages 11-13 that Protocols does not specifically teach "obtaining first input to said timeline component where said first input identifies a first time point and a second time point of said set of time points, and where the first time point and the second time point are identified by a user utilizing an input device to select, within said timeline component, the first time point and the

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second time point, wherein said first input includes selection of the first time point and dragging from the first time point to the second time point; in response to obtaining said first input, generating an initial selection overlay comprising an area of said timeline component and said waveform component, wherein said area starts at said first time point and ends at said second time point;" the examiner respectfully disagrees. Pages 209 and 210 teach making selections in a timeline. Also disclosed 209 in the first paragraphs of "timeline selections" is "With the Edit and Timeline selections unlinked, selections can be made in the Timeline that are distinct and separate from Edit selections." This would lead one of ordinary skill in the art to believe that when the selections are linked, timeline selections will show up in edit selections (in the track). Even if, as the applicant contends, that only existing end points of existing regions may be modified in the timeline, one of ordinary skill in the art would appreciate that establishing regions in the timeline that translate to the editing regions would have been at least an obvious variation of what is disclosed by Protocols.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. **Claims 1-11 and 39-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Digidesign Pro Tools Reference Guide ("PRO TOOLS")

9. Regarding **claim 1**, PRO TOOLS teaches a method for manipulating at least one audio file via a graphical user interface comprising:

displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time point (Page 209, Timeline sections section), and where the first time point and the second time point are identified by a user utilizing an input device to select, within said timeline component, the first time point and the second time point, wherein the input includes selection of the first time point and dragging from the first time point to the second time point. (Step 2 of "to make a timeline section with the selector" teaches specifically "Drag the Selector in any Time base Ruler);

in response to obtaining said first input, generating an initial selection overlay comprising an area of said timeline component (see figure on page 209) and said waveform component wherein said area starts at said first time point and ends at said second time point (The figure on page 209 does not show an overlay created in the waveform component. However as discussed on page 209, Edit and timeline selections

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may be linked, and therefore timeline and edit (i.e. track selections) are mirrored. Page 215 shows an edit selection in which both the timeline and the track have an overlay);

wherein generating said initial selection overlay is performed in response to obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

obtaining second input, wherein the second input involves dragging said area to a region within the graphical user interface (page 237, smart tool can be used as a grabber for dragging selections);

in response to obtaining said second input, performing an operation involving just the portion of the audio file that corresponds to the area, wherein the operation is performed without obtaining input to a tool selection component between obtaining said first input and obtaining said second input (page 215 shows effects of grabber, where selection may be dragged to other regions of tracks);

wherein the method for manipulating at least one audio file is performed by a computing device programmed to be a special purpose machine pursuant to instructions from program software (Chapter 2 of Protools teaches how to load Pro Tools onto a computer, therefore method is completed by computing device).

PRO TOOLS does not specifically teach that Smart Tool can be used to make selections in the timeline component. However this is an obvious variation to the teachings of PRO TOOLS as it fits within the intended purpose of the Smart Tool of keeping a user from having to switch tools described on page 237 of PRO TOOLS.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the

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invention to allow a user to make timeline selections (as taught by PRO TOOLS) using the Smart Tool in order to allow users to use the selector and grabber and other tools without having to switch tools (PRO TOOLS page 237).

10. Regarding **claim 2**, PRO TOOLS further teaches that said characteristics of said audio file is amplitude (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

11. Regarding **claim 3**, PRO TOOLS further teaches that said area of said selection overlay is highlighted (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

12. Regarding **claim 4**, PRO TOOLS further teaches that said set of time points represents intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

13. Regarding **claim 5**, PRO TOOLS further teaches:
generating a visual representation on said timeline component and said waveform component upon receiving said first input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the two arrows on

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the top bar identify the two time points and the waveform in the selected region is highlighted).

14. Regarding **claim 6**, PRO TOOLS further teaches that said visual representation indicates a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

15. Regarding **claim 7**, PRO TOOLS further teaches that said visual representation indicates an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

16. Regarding **claim 8**, PRO TOOLS further teaches the method of claim 1 wherein said operation is a copy operation that creates a duplicate of said area within the graphical user interface. (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline. This is under the section "separate a selection without affect the original regions, indicating original selection not deleted from track).

17. Regarding **claim 9**, PRO TOOLS further the method of claim 1, wherein said operation is a move operation that moves said area from one region within said

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graphical user interface to another region within the graphical user interface. (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

18. Regarding **claim 10**, PRO TOOLS further teaches the method of claim 1, wherein said operation is a cut operation that deletes said area from the graphical user interface. (page 215, dragging later in track with separation dragger, original area is deleted in figure.).

19. Regarding **claim 11**, PRO TOOLS further teaches the method of claim 8, wherein said copy operation creates a duplicate of said portion of the audio file that corresponds to said area (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline. This is under the section "separate a selection without affect the original regions, indicating original selection not deleted from track. Also, duplicate appears in other track.)

20. Regarding **claim 39**, PRO TOOLS teaches a computer-readable storage medium ("on Macintosh or Windows", title page) storing computer readable program code for manipulating at least one audio file via a graphical user interface, said computer readable program code comprising computer program code configured to cause a computer to:

displaying a timeline component having a set of time points indicative of a duration of an audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows time points);

displaying a waveform component having graphic elements that visually represent characteristics of said audio file over said duration (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is of an audio file);

obtaining input to said timeline component where said input identifies a first time point and a second time point of said set of time point (Page 209, Timeline sections section), and where the first time point and the second time point are identified by a user utilizing an input device to select, within said timeline component, the first time point and the second time point, wherein the input includes selection of the first time point and dragging from the first time point to the second time point. (Step 2 of "to make a timeline section with the selector" teaches specifically "Drag the Selector in any Time base Ruler);

in response to obtaining said first input, generating an initial selection overlay comprising an area of said timeline component (see figure on page 209) and said waveform component wherein said area starts at said first time point and ends at said second time point (The figure on page 209 does not show an overlay created in the waveform component. However as discussed on page 209, Edit and timeline selections may be linked, and therefore timeline and edit (i.e. track selections) are mirrored. Page 215 shows an edit selection in which both the timeline and the track have an overlay);

wherein generating said initial selection overlay is performed in response to obtaining said input (see p. 200, "when you make a selection, it appears as a highlighted area of the track"); and

obtaining second input, wherein the second input involves dragging said area to a region within the graphical user interface (page 237, smart tool can be used as a grabber for dragging selections);

in response to obtaining said second input, performing an operation involving just the portion of the audio file that corresponds to the area, wherein the operation is performed without obtaining input to a tool selection component between obtaining said first input and obtaining said second input (page 215 shows effects of grabber, where selection may be dragged to other regions of tracks);

PRO TOOLS does not specifically teach that Smart Tool can be used to make selections in the timeline component. However this is an obvious variation to the teachings of PRO TOOLS as it fits within the intended purpose of the Smart Tool of keeping a user from having to switch tools described on page 237 of PRO TOOLS. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user to make timeline selections (as taught by PRO TOOLS) using the Smart Tool in order to allow users to use the selector and grabber and other tools without having to switch tools (PRO TOOLS page 237).

21. Regarding **claim 40**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further

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comprises computer program code configured to cause said computer to display a data amplitude of said at least one audio file (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform is a well-known amplitude vs time plot of an audio signal).

22. Regarding **claim 41**, PRO TOOLS further teaches that said computer program code configured to cause said computer to generate said selection overlay further comprises computer program code configured to cause said computer to highlight said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the waveform in the selected region is highlighted).

23. Regarding **claim 42**, PRO TOOLS further teaches that said computer program code configured to cause said computer to obtain input to said timeline component further comprises computer program code configured to cause said computer to represent intervals of time (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the top bar shows an interval of time points).

24. Regarding **claim 43**, PRO TOOLS further teaches: computer program code configured to cause said computer to generate a visual representation of said timeline component and said waveform component upon receiving said input to said timeline component (see p. 215, figure labeled "Dragging later in track with Separation Grabber",

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the two arrows on the top bar identify the two time points and the waveform in the selected region is highlighted).

25. Regarding **claim 44**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform component further comprises computer program code configured to cause said computer to indicate a start point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the down arrow in the top bar indicates the start point).

26. Regarding **claim 45**, PRO TOOLS further teaches that said computer program code configured to cause said computer to display said waveform further comprises computer program code configured to cause said computer to indicate an end point of said selection overlay (see p. 215, figure labeled "Dragging later in track with Separation Grabber", the up arrow in the top bar indicates the end point).

27. Regarding **claim 46**, PRO TOOLS further teaches wherein said operation is a copy operation that creates a duplicate of said area within the graphical user interface. (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline. This is under the section "separate a selection without affect the original regions, indicating original selection not deleted from track).

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28. Regarding **claim 47**, PRO TOOLS further teaches wherein said operation is a move operation that moves said area from one region within said graphical user interface to another region within the graphical user interface. (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline).

29. Regarding **claim 48**, PRO TOOLS further teaches wherein said operation is a cut operation that deletes said area from the graphical user interface. (page 215, dragging later in track with separation dragger, original area is deleted in figure.).

30. Regarding **claim 49**, PRO TOOLS further teaches wherein said copy operation creates a duplicate of said portion of the audio file that corresponds to said area (see p. 215, figure labeled "Dragging to another track with Separation Grabber", the highlighted selection is copied to another timeline. This is under the section "separate a selection without affect the original regions, indicating original selection not deleted from track. Also, duplicate appears in other track.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is (571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG

/Richemond Dorvil/

Supervisory Patent Examiner, Art Unit 2626